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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,116	05/22/2001	Farrukh S. Najmi	SUN1P298	9186
22434	7590	03/25/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP				OSMAN, RAMY M
P.O. BOX 70250				ART UNIT
OAKLAND, CA 94612-0250				PAPER NUMBER
				2157

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/863,116	NAJMI, FARRUKH S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 December 2004.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on December 20, 2004. Applicant amended claims 4,5,8 and 12. No claims were cancelled or added. Claims 1-12 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1,3-5,7-9,11 and 12 rejected under 35 U.S.C. 102(a) as being anticipated by IBM Corporation (Parameterized XSL Style Sheets, July 1999, ref # 0374-4353-42-423-0).**

4. In reference to claims 1,5 and 9, IBM teaches a method, an apparatus and a computer program product providing service side filtering of a message in a distributed network, comprising:

- (a) determining if the message is to be sent to a topic subscriber (page 1 lines 1-9, IBM discloses a message transmitted to a recipient over a network);
- (b) determining if the message is an extensible markup language (XML) message that conforms to an XML schema specified by a selected XSLT filter (page 1 lines 15-40, page 2

lines 8-20 and page 3 lines 2-12, IBM discloses applying an XSL template to an XML document);

(c) transforming the XML message to form a modified XML message (page 1 lines 34-40, page 2 lines 4-14 and page 3 lines 20-25, IBM disclose formatting the XML document); and

(d) sending the modified XML message to the topic subscriber (page 1 lines 1-9, IBM discloses sending the XML document to its destination).

5. In reference to claim 3,7 and 11, IBM teaches the method, the apparatus and the computer program product provided in claims 1,5 and 9 respectively, wherein the transforming is based up the specified XSLT filter and an associated XSLT engine. (page 1 lines 1-9 & 30-40, IBM discloses a Transformation Engine)

6. In reference to claim 4,8 and 12, IBM teaches the method, the apparatus and the computer program product provided in claims 1,5 and 9 respectively, wherein if determining (b) determines that the XML message conforms to a different schema than specified with the XSLT filter, then sending the XML message without any transformation to the topic subscriber. (page 1 lines 30-40, IBM discloses that “when patterns are matched” within the XML document then it is transformed. It is inherent that when patterns are not matched, then no transformation takes place and the document continues transmission over the network.)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 2,6 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Corporation (Parameterized XSL Style Sheets, July 1999) in view of Laitinen (XML Messaging, Tik-11.590).**

IBM teaches the method, the apparatus and the computer program product provided in claims 1,5 and 9 respectively. IBM fails to explicitly teach wherein the determining (a) is performed by a JMS provider. However, Applicant disclose that the use of JMS to exchange XML documents is well known in the art (see Applicants disclosure pg 1 lines 25-30 and page 2 lines 1-3). Furthermore, Laitinen teaches that it is well known in the art for a JMS provider to handle messages between applications and components. (Laitinen; sections: 2.5.3, 2.5.7, 2.5.12, 2.5.13)

It would have been obvious for one of ordinary skill in the art to incorporate into IBM a JMS provider as per the teachings of Laitinen so as to implement message handling between applications and components.

*Response to Amendment*

9. Examiner acknowledges the amendment filed on December 20, 2004. Applicant amended claims 4,5,8 and 12. No claims were cancelled or added.

***Response to Arguments***

10. Applicant's arguments filed 12/20/2004 have been fully considered but they are not persuasive.

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "thereby preserving network bandwidth") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Nowhere in the claims do they discuss "selecting portions of an XML document" or "preserving network bandwidth", as mentioned on page 7 lines 9-10 of the remarks.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

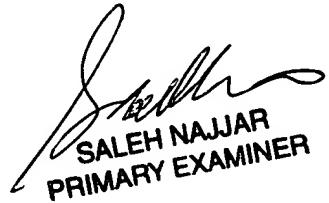
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
March 10, 2005



SALEH NAJJAR  
PRIMARY EXAMINER